

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL GRECCO PRODUCTIONS, INC.,

Plaintiff,

-against-

ALAMY INC.,

Defendant.

Civil Action No. 18-cv-03260-PKC-JO

DECLARATION OF STEVEN M. COWLEY

I, Steven Cowley, hereby declare and state as follows:

I am over the age of 18 years and otherwise competent to testify to the matters contained in this declaration. This declaration is made from my own personal knowledge and if called as a witness, I could and would testify as to their truth.

1. I am a partner in the law firm of Duane Morris LLP and am counsel to the Plaintiff Michael Grecco Productions, Inc. in this action, appearing *pro hac vice* by leave of the Court.

2. Attached at Exhibit 1 is a printout of the Alamy, Inc. "Selected Entity Status Information" printed off of the New York State Department of State, Division of Corporations website - https://www.dos.ny.gov/corps/bus_entity_search.html. I accessed that website, ran a search on the company name "Alamy, Inc." and printed out the resulting report that was generated by that search.

3. Attached at Exhibit 2 is a printout of the "Meet the team" page found on the Alamy website. To locate that document, I started on the main page of the website -

<https://www.alamy.com/> - scrolled to the very bottom of the page and, under the column of links designated “Company,” clicked on the link titled “Meet the team.”

4. Attached at Exhibit 3 is the “Terms and conditions” document found on the Alamy website, which has the title “Alamy License Agreement (“LA”).” To locate that document, I started on the main page of the website - <https://www.alamy.com/> - scrolled to the very bottom of the page and, under the column of links designated “Legal,” clicked on the link titled “Terms and conditions.”

5. Attached at Exhibit 4 is a printout of the “Work for us” page found on a cached version of the Alamy website from November 16, 2016. To locate that page, I started on the website called “Internet Archive Wayback Machine” - <https://archive.org/web/> - a website that collects and stores cached versions of other websites on various, and random dates. I entered a search using the main url for the Alamy website - www.alamy.com – and then selected the version of that website cached on November 16, 2016. I then scrolled to the bottom of the main landing page of the Alamy website cached on that day, and clicked on the link “Work for us” under the column of links titled “Company.” Clicking on that link automatically brought me to the tabbed “US” and sub-tabbed “Current jobs” as shown in Exhibit 4.

6. Attached at Exhibit 5 is a printout of the page that appeared when I clicked on the “Location” tab shown in the web page that was located as described in paragraph 5.

7. Attached at Exhibit 6 is a printout of the “Work for us” page found on a cached version of the Alamy website from March 29, 2018. To locate that page, I started on the website called “Internet Archive Wayback Machine” - <https://archive.org/web/> - the website described above in paragraph 5. I entered a search using the main url for the Alamy website - www.alamy.com – and then selected the version of that website cached on March 29, 2018. I

then scrolled to the bottom of the main landing page of the Alamy website cached on that day, and clicked on the link “Work for us” under the column of links titled “Company.” Clicking on that link automatically brought me to the tabbed “US” and sub-tabbed “Current jobs” as shown in Exhibit 6.

8. Attached at Exhibit 7 is a printout of the page that appeared when I clicked on the “Location” tab shown in the web page that was located as described in paragraph 7.

9. I did not attempt to review a significant number, let alone all, of the cached versions of the Alamy website that were identified when I ran the search identified in paragraphs 5 and 7.

I declare under the pains and penalties of perjury that the foregoing is true and correct.

Executed on this 13th day of September, 2018 in Boston, Massachusetts.

/s/ Steven M. Cowley

Steven M. Cowley

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2018, a copy of the foregoing Declaration of Steven M. Cowley was served on the following parties by email and regular mail:

Nancy E. Wolf
Lindsay W. Bowen
Brittany L. Kaplan-Peterson
Cowan, DeBaets, Abrahams & Sheppard LLP
41 Madison Avenue, 38th Floor
New York, NY 10010

Attorneys for Defendant Alamy, Inc.

/s/ Steven M. Cowley
Steven M. Cowley